

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Plaintiff,

and LARRY BRICCO,

Plaintiff-Intervenor,

V.

JHT LOGISTICS, INC., and
ACT CARRIERS LLC,

Defendants.

Case No. 11-cv-490

STIPULATION FOR ENTRY OF CONSENT JUDGMENT AND ORDER

Plaintiff United States of America, on behalf of Hilda L. Solis, Secretary of Labor, (hereinafter “United States”), by John W. Vaudreuil, United States Attorney for the Western District of Wisconsin, by Leslie K. Herje, Assistant United States Attorney for that district, Plaintiff-Intervenor Larry Bricco, by Paul O. Taylor, and Defendants JHT Logistics, Inc. and ACT Carriers LLC, by Brittany S. Ogden, hereby stipulate and agree as follows:

1. This is an action to enforce the employee protection provisions of the Surface Transportation Assistance Act of 1982 (“STAA”), 49 U.S.C. § 31105, and its implementing regulations, 29 C.F.R. § 1978.100 *et seq.*, requesting the entry of judgment

against Defendants JHT Logistics, Inc. ("JHT"), and its successor ACT Carriers, LLC ("ACT Carriers"), in accordance with a non-appealable, final order of the Secretary of Labor.

2. This court has jurisdiction over this action and the Defendants pursuant to 49 U.S.C. § 31105(e) and 28 U.S.C. §§ 1331 and 1345.

3. Defendants agree that Plaintiffs are entitled to entry of judgment against Defendants for the total sum of \$269,109.26 ("Judgment Debt"). The amount of Judgment Debt consists of the \$188,855.09 judgment in the underlying administrative proceeding, plus an additional \$80,254.17 in attorney's fees, back wages, and interest.

4. Defendants, their agents, servants, employees and all persons in active concert or participation with them, are hereby permanently enjoined and restrained from discriminating against, interfering with, restraining, or coercing any employee because the employee has engaged in activity protected by the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, and its implementing regulations, 29 C.F.R. §§ 1978.100-1978.115, including, but not limited to: filing a complaint or beginning a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order, or testifying in such a proceeding; or refusing to operate a vehicle because the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety, health, or security; or the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's hazardous safety or security condition.

5. If in the future any prospective employer of Larry Bricco contacts Defendants regarding a job reference, Defendants shall give no less than a neutral job reference. Defendants shall only provide the prospective employer with the following employment-related information: the starting and ending dates of Larry Bricco's employment, job title, and/or rate of pay, as requested by the person or entity seeking said employment reference. Defendants shall not say or convey any information to any third party that could be construed as damaging the name, character, or employment prospects of Larry Bricco.

6. Each party shall bear its own costs and expenses, including attorneys' fees, arising in connection with any stage of the above-referenced case.

7. The United States District Court for the Western District of Wisconsin shall retain jurisdiction over this case for the purposes of enforcement this Stipulation for Consent Judgment and Order.

8. The parties agree to the entry of this Stipulation for Consent Judgment and Order without any further notice or action by the Court.

Dated this 27th day of November, 2012.

Respectfully submitted,

JOHN W. VAUDREUIL
United States Attorney

By:

/s/

LESLIE K. HERJE
Assistant United States Attorney
Chief, Civil Division
660 W. Washington Ave.
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Of Counsel

Matthew M. Scheff
Attorney
Office of the Regional Solicitor
U.S. Department of Labor

Dated this 27th day of November, 2012.

Respectfully submitted,

TAYLOR & ASSOCIATES, LTD.

/s/

PAUL O. TAYLOR
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Burnsville, Minnesota 55337
(651) 454-5800
Attorneys for Plaintiff-Inteviewer

Dated this 27th day of November, 2012.

Respectfully submitted,

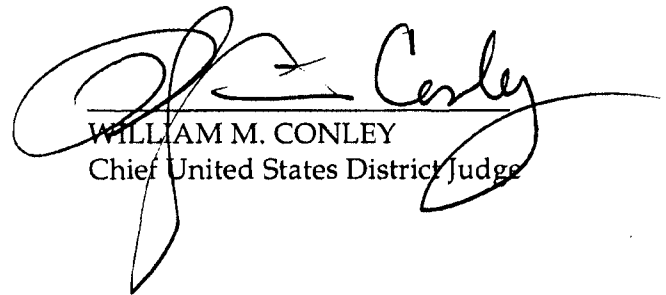
MURPHY DESMOND, S.C.

/s/

BRITTANY S. OGDEN
33 East Main Street, Suite 500
Madison, WI 53701-2038
Attorneys for Defendants

IT IS SO ORDERED:

Dated this 29th day of November, 2012.



WILLIAM M. CONLEY
Chief United States District Judge

Judgment entered this 29th day of November, 2012.

Peter Oppeneer
Peter Oppeneer
Clerk of Court